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SUBJECT: SRI LANKA: ASSESSING UNOHCHR FIELD PRESENCE

REF: STATE 73151

¶1. (U) Summary: Poloff met with United Nations Office of the High Commissioner of Human Rights (OHCHR) Sri Lanka representative Rory Mungoven on June 9 to discuss the successes and constraints of the program and how the U.S. could buttress OHCHR's mandate in Sri Lanka. Mungoven noted moderately successful initiatives with the Liberation Tigers of Tamil Eelam (LTTE) and genuine, though disconnected, steps by the Government of Sri Lanka (GSL) to address human rights.

He hoped that the United States as a member of the Co-Chairs could augment his role by continuing to support the UN's human rights message in Sri Lanka, and allocating UN funds specifically to OHCHR. End summary.

Background

¶2. (U) Following the 2002 Ceasefire Agreement (CFA), OHCHR appointed Mungoven to assist the Government of Sri Lanka(GSL) and the LTTE in human rights road mapping. These initiatives included drafting a human rights declaration to complement the CFA, strengthening the Human Rights Commission's regional offices, and providing human rights training for the Sri Lanka Army, Police, and the LTTE. By extension, Mungoven is also a peace process advisor for the UN.

Engaging with the Tigers

¶3. (SBU) Between 2002 and November 2005, the UN completed 17 rounds of "moderately successful" human rights training with the LTTE, according to Mungoven. Such training inspired the LTTE to create the North East Secretariat on Human Rights, a highly propagandistic organization but one which reflects an actual capacity for human rights monitoring, Mungoven said. The UN training also led the LTTE to write a human rights charter, which they have published but not implemented. The success of the initiative can be conceptualized as an exercise for the LTTE which challenged them to think through the breadth of human rights issues, such as disability and age discrimination.

¶4. (SBU) According to Mungoven, the true impact of the training cannot be evaluated, but it has provided a bridge by which to deal with the LTTE on human rights issues. OHCHR's space for interaction with the LTTE on human rights has diminished since December 2005, when the LTTE increased violent attacks against Sri Lankan forces and civilians in the wake of President Mahinda Rajapaksa's election.

Engaging the Government of Sri Lanka

¶5. (SBU) Mungoven described "quality strides" with the GSL on supporting the functioning of the independent Human Rights Commission. A disconnect remains, however, between the institutions and results. For instance, the GSL has recently established a Ministry of Human Rights and Disaster Management as an institutional counterpart to the UN's human rights office, with few results thus far. In addition, the HRC's reports go unpublished, and there is no prosecution for crimes or the prosecution collapses under a questionably independent judiciary. Opined Mungoven, "The laws, tools and institutions for accountability are there, but there is a gap in implementation."

Limitations

¶6. (SBU) Mungoven pointed to three obstacles to a more substantial OHCHR presence in Sri Lanka. First, his position

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is not the equivalent of a UN Human Rights Mission and cannot work with such breadth. Second, the GSL is resistant to a full scale human rights mission, partially by pressure from India, which wants to avoid a similar UN mission on Kashmir. Third, a UN human rights role requires buy-in from the LTTE in order to be effective: the LTTE take it or leave it as suits them.

U.S. Support

¶7. (SBU) If the security and human rights situation in country continues to deteriorate, remarked Mungoven, the UN will need the Co-Chairs to be a more adamant influence against GSL resistance to human rights measures and also help strengthen the human rights capacity of the Sri Lanka Monitoring Mission (SLMM). Lastly, the USG can earmark a portion of its UN contributions toward OHCHR programs.

Comment

¶8. (SBU) Comment: We work very closely with Mungoven and believe the OHCHR presence here is very useful. It will only become more so if human rights problems continue to increase as the "war and peace" situation continues to deteriorate.
End comment.

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